

BILL LOCKYER, Attorney General
Of the State of California
MARY HACKENBRACHT
Senior Assistant Attorney General
WALTER E. WUNDERLICH
Deputy Attorney General
State Bar No. 034054
1300 I Street
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 324-5366
Fax: (916) 327-2319
Attorneys for Plaintiff/Petitioner

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN JOAQUIN

CALIFORNIA INTEGRATED WASTE)	Case No.: CV 006020
MANAGEMENT BOARD,)	
)	JUDGMENT FOR CIVIL
Plaintiff/Petitioner,)	PENALTIES
)	
v.)	Trial Date: 10/16/00
)	Dept: 42
VERA J. NORTON and BEVERLY J. McCONNELL)	Judge: Hon. Carter P. Holly
As Personal Representatives of the ESTATE OF SILAS)	
FRED ROYSTER; and DOES I through XX, inclusive)	
)	
Defendants/Respondents,)	

This matter came on regularly for trial on October 16, 2000, in Department 42 of the above-entitled court, the Honorable Carter P. Holly, Judge presiding. The plaintiff/petitioner, California Integrated Waste Management Board, was represented by Bill Lockyer, Attorney General of the State of California by Walter E. Wunderlich, Deputy Attorney General. No appearance was made at trial on behalf of defendants/respondents Vera J. Norton and Beverly J. McConnell, as Personal Representatives of the Estate of Silas Fred Royster, (Probate Case Number 68697 before the Superior Court of California, County of San Joaquin) even though an answer was filed on their behalf on December 16, 1999, and they had appeared through their counsel, Brett Nesin, Attorney at Law, at the status conference of June 8, 2000, and at that time

1 waived notice of the time and place of the settlement conference then set for September 11,
2 2000, and the trial then set for October 16, 2000. None of the parties requested a jury trial and
3 the matter was therefore tried to the court sitting without a jury. Evidence, both oral and
4 documentary, was offered and received by the court, and at the conclusion of the evidence the
5 matter was argued and thereupon submitted to the court for decision. The court, after due
6 consideration of the evidence and arguments, orally indicated its intended decision in favor of
7 the plaintiff/petitioner, California Integrated Waste Management Board, on the second cause of
8 action for civil penalties (violations of Cleanup and Abatement Order No. 97-38) and on the third
9 cause of action for civil penalties (Operating a Major Waste Tire Facility Without the Required
10 Permit); the request for injunctive relief (first cause of action) having been withdrawn due to the
11 destruction of the S. F. Royster Tire Disposal site by fire. The court further orally indicated that
12 it considered the violations under the second and third causes of action to be intentional. Civil
13 penalties under former section 42850 of the Public Resources Code (currently section
14 42850.1(b)(1)) should be set at ten thousand dollars (\$10,000) per each day of violation alleged.
15 Now therefore, and good cause appearing;

16 **IT IS FURTHER ORDERED ADJUDGED AND DECREED AS FOLLOWS:**

17 1. That plaintiff/petitioner, California Integrated Waste Management Board, do have
18 and recover of and from defendants/respondents, Vera J. Norton and Beverly J. McConnell, as
19 Personal Representatives of the Estate of Silas Fred Royster, the sum of Three Million Four
20 Hundred Thousand Dollars (\$3,400,000) as and for civil penalties under former section 43850 of
21 the Public Resources Code (currently section 42850.1(b)(1)) for violating Cleanup and
22 Abatement Order 97-38 for 340 days, as alleged in the second cause of action.

23 2. That plaintiff/petitioner, California Integrated Waste Management Board, do have
24 and recover of and from defendants/respondents, Vera J. Norton and Beverly J. McConnell, as
25 Personal Representatives of the Estate of Silas Fred Royster, the sum of Three Million Six

Hundred and Fifty Thousand Dollars (\$3,650,000) as and for civil penalties under former section 43850 of the Public Resources Code (currently section 42850.1(b)(1)) for operating a major waste tire facility without the required permit for 365 days, as alleged in the third cause of action.

3. The total judgment rendered in this matter in favor of the plaintiff/petitioner, California Integrated Waste Management board and against defendants/respondents, Vera J. Norton and Beverly J. McConnell, as Personal Representatives of the Estate of Silas Fred Royster, is for Seven Million Fifty Thousand Dollars (\$7,050,000) plus costs of suit as established by a duly filed cost bill.

4. This judgment is payable out of the property of the Estate of Silas Fred Royster (Probate Case Number 68697 before the Superior Court of California, County of San Joaquin) in the course of administration, as provided for by section 9301 of the California Probate Code.

Date: November 14, 2000

CARTER P. HOLLY
JUDGE OF THE SUPERIOR COURT

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